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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

TSUNGAI TUNGWARARA,
 Plaintiff,

v.

UNITED STATES OF AMERICA, et al.
 Defendant.

No. C 04-2144 EDL
E-filing Case
ORDER ON
DEFENDANT'S EX PARTE MOTION
SEEKING COURT'S APPROVAL TO
FILE ADDITIONAL DEPOSITION
TESTIMONY OF LAMONT HICKS

Date: February 14, 2006
 Time: 9:00 a.m.
 Courtroom E, 15th Floor

Pursuant to Civil L. R. 7-3(d), the Federal Defendant seeks the Court's approval to file the additional deposition testimony of La Mont Hicks, a percipient witness to the events of January 9, 2002 and particularly the fact that plaintiff intended to go to school at City College in San Francisco.

The testimony (which is attached as Exhibit A) is as follows:

31:20-32:1: "Q. And then what happened? A. I believe somebody was on the telephone and they were talking inform somebody from City College because at that time, they found an I-120. An I-120 is an application saying you're going to go to school. But the subject had a B-1 B-2 visa. The person at City College was told she has an F-1 visa to go to school here."

1 33:5-25: "Q. In other words, she had already completed the form? A. No. She had a
2 form saying she was going to City College of San Francisco. Q. Was it a blank form? A.
3 No. It was a filled-out form for City College of San Francisco. You're not supposed to
4 have blank forms. Q. Was this a form she would have filled out and then submitted to
5 someone? A. No. It's a form that you get from a community college, a state college, a
6 university, a U.C. Q. It's a form you get from the school you're going to go to? A. Yes.
7 Q. And there was a form from City College saying that Ms. Tungwarara was going to go
8 to school there, is that correct? A. Yes, sir. Q. Did you see this document? A. Yes."

9 Respectfully submitted,

10 KEVIN V. RYAN
11 United States Attorney

12 Dated: February 14, 2006

13 /s/
14 ANDREW Y.S. CHENG
15 KATHERINE B. DOWLING
16 Assistant United States Attorneys

17 IT IS SO ORDERED

18 DATED: February 15, 2006

